

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>ADVICE OF RIGHTS</b>	<b>CASE NO.</b>
<b>Court address</b>		<b>Court telephone no.</b>

1. You have been brought to court on a misdemeanor charge. You have the following basic rights:
  - a. To plead guilty or not guilty or to stand mute. If you stand mute, a plea of not guilty will be entered. You may plead no contest with the permission of the court.
  - b. To have a trial by judge or jury.
  - c. To have the assistance of an attorney.
2. You have the right to an attorney appointed at public expense if you are indigent (without money to hire an attorney) and if
  - a. the offense charged requires a minimum jail sentence, or
  - b. the court determines that it might sentence you to jail.
3. You may have to repay the expense of a court appointed attorney.
4. If you have a trial, you have the following rights:
  - a. To call witnesses to speak for you at trial. You may get an order signed by the court to require witnesses to come to court.
  - b. To see, hear, and question all witnesses against you at trial.
  - c. To be a witness for yourself or to remain silent. If you choose not to be a witness on your own behalf, the prosecuting official may not comment on your refusal to testify.
  - d. To be presumed innocent until proven guilty beyond a reasonable doubt.
5. If you plead guilty or no contest and your plea is accepted, you will not have a trial of any kind and will give up the rights listed in item 4.
6. You have the right to be released on bond.
7. If you are now on probation or parole and you enter a plea of guilty (or no contest) or a finding of guilt is made by judge or jury, it may result in a violation of your probation or parole.
8. Except for drinking/driving offenses or unless otherwise advised by the court, you can be sentenced up to 93 days in jail, fined up to \$100.00 plus costs, or both. (The court will advise you if there is a minimum jail sentence.)
9. Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment.
10. Possible sentences and license actions in drinking/driving cases are shown on the other side of this form.
11. An appeal to circuit court may be taken within 21 days from date of sentence.
12. If you require special accommodations to use the court because of disabilities, or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

Date \_\_\_\_\_

Defendant signature \_\_\_\_\_

Defendant name (print) \_\_\_\_\_

Address \_\_\_\_\_

City, state, zip \_\_\_\_\_ Telephone no. \_\_\_\_\_

## CONSEQUENCES OF CONVICTION OF DRINKING/DRIVING OFFENSE

### A. Criminal Penalties for Conviction of Operating Under the Influence of Liquor (OUIL), Unlawful Bodily Alcohol Content (UBAC), and Operating While Visibly Impaired (OWI)

OFFENSE	FINES	JAIL	COMMUNITY SERVICE
OUIL, UBAC - First Offense	\$100.00 to \$500.00 fine plus costs	Up to 93 days	Up to 45 days
OWI - First Offense	Up to \$300.00 fine plus costs	Up to 93 days	Up to 45 days
OUIL, UBAC, OWI - Prior Conviction*	\$200.00 to \$1000.00 fine plus costs and 1 or more of the following: <ul style="list-style-type: none"><li>• 30 to 90 days community service</li><li>• 5 days to 1 year in jail</li></ul>		
*Prior Conviction means conviction under MCL 257.625(1), (3), (4), (5), (6), (7), and (23) and MCL 257.625m.			

**B. Screening and Additional Costs.** All convictions for alcohol related driving offenses require the judge to order the defendant to undergo screening for substance abuse, and rehabilitation may be part of any sentence, all at defendant's expense. [MCL 257.625b(5)] In addition, the defendant may be ordered to pay the costs of prosecution. [MCL 257.625(12) ]

**C. License Suspensions and Restrictions.** The maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the Secretary of State under MCL 257.204. [MCL 257.625b(4)]

Sentences and licensing actions also apply to a person convicted of an **attempted violation** of any of the offenses listed above **as if the offense had been completed.** [MCL 257.204(b)]

Anyone driving while license suspended or revoked is also subject to license suspension or revocation for a like period of the original suspension or revocation.

## CONSEQUENCES OF CONVICTION OF RETAIL FRAUD

OFFENSE	FINES	IMPRISONMENT
<b>Retail Fraud - 1st Degree</b> (\$1,000.00 or more)	Not more than \$10,000.00 or 3 times the value of the property whichever is greater	Imprisonment for not more than 5 years
<b>Retail Fraud - 2nd Degree</b> (\$200.00 but less than <b>\$1,000.00</b> )	Not more than \$2,000.00 or 3 times the value of the property whichever is greater	Imprisonment for not more than 1 year
<b>Retail Fraud - 3rd Degree</b> (less than \$200.00)	Not more than \$500.00 or 3 times the value of the property whichever is greater	Imprisonment for not more than 93 days